

Notice of Allowability

Application No.

09/579,719

Examiner

Daniel Swerdlow

Applicant(s)

WILDFEUER, HERBERT M

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 3 November 2004 and interview conducted 16 February 2005.
2. ☒ The allowed claim(s) is/are 1,2,4-16,18-25,27-31,33-36,38-42 and 44-81.
3. ☒ The drawings filed on 26 May 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Graciela Cowger, reg. no. 42,444 on 16 February 2005.

The application has been amended as follows:

Claim 1 is amended to read as follows:

1. (currently amended) A method for testing an echo canceller, comprising:
generating a packetized excitation signal including a preamble portion and a test portion,
the generating occurring external to the echo canceller;
encoding the test portion with a digital representation of a test signal;
encoding the preamble portion with configuration information relating to the echo
canceller; ~~and~~
transmitting the packetized excitation signal to the echo canceller as a packetized digital
signal through a packet network; and
configuring the echo canceller in a test configuration responsive to the configuration information
in the preamble portion.

Claim 9 is amended to read as follows:

9. (currently amended) A method of testing an echo canceller, comprising:

Art Unit: 2644

receiving a packetized excitation signal generated externally to the echo canceller, the excitation signal including a preamble portion and a test portion, where the test portion is encoded with a digital representation of a test signal;

decoding the preamble portion after receiving the excitation signal from a network; and configuring the echo canceller in a test configuration responsive to the decoded preamble portion; and

controlling the echo canceller during testing responsive to the decoded preamble portion.

Claim 20 is amended to read as follows:

20. (currently amended) A system for testing an echo canceller comprising:

signal generating means for generating a packetized excitation signal including a preamble portion and a test portion, the signal generating means being external to the echo canceller, where the test portion is encoded with a digital representation of a test signal;

transmitting means for transmitting the excitation signal from the signal generating means to the echo canceller as a packetized digital signal through a packet network; and

controller means for configuring the echo canceller in a test configuration and controlling the echo canceller during testing according to the preamble portion;

wherein the preamble portion identifies a type of test.

Claim 23 is amended to read as follows:

23. (Currently Amended) A system for testing an echo canceller, comprising:

Art Unit: 2644

signal receiving means for receiving a packetized excitation signal transmitted as a packetized digital signal over packet a network, the excitation signal including a preamble portion and a test portion, where the test portion is encoded with a digital representation of a test signal; and

decoding means for obtaining configuration information by decoding the preamble portion; and

configuring the echo canceller in a test configuration responsive to the decoded preamble portion.

Claim 29 is amended to read as follows:

29. (Currently Amended) A system for testing an echo canceller, comprising:

a signal generator for generating a packetized excitation signal external to the echo canceller, the excitation signal including a preamble portion and a test portion, where the test portion is encoded with a digital representation of a test signal;

a transmitter for transmitting the excitation signal from the signal generator to the controller as a packetized digital signal via a packet network; and

a controller for configuring the echo canceller in a test configuration and controlling the echo canceller during testing responsive to the preamble portion.

Claim 35 is amended to read as follows:

35. (Currently Amended) An echo canceller, comprising:

Art Unit: 2644

a receiver for receiving a packetized excitation signal from a packet network, the excitation signal being generated external to the echo canceller and including a preamble portion and a test portion, where the test portion is encoded with a digital representation of a test signal; and

a decoder for decoding the preamble portion, the decoded preamble portion configuring the echo canceller in a test configuration during testing.

Claim 38 is amended to read as follows:

38. (Currently Amended) A computer readable medium having stored thereon instructions, that, when executed by a computing device, result in:

generating a packetized excitation signal having a preamble portion and a test portion;

encoding the test portion with a digital representation of a test signal;

transmitting the excitation signal to an echo canceller as a packetized digital signal

through a packet network;

configuring the echo canceller in a test configuration responsive to the preamble portion

after transmitting; and

controlling the echo canceller responsive to the preamble portion after transmitting.

Claim 45 is amended to read as follows:

45. (Currently Amended) A computer readable medium having stored thereon instructions, that, when executed by a computing device, result in:

receiving a packetized excitation signal generated external to an echo canceller and transmitted as a packetized digital signal through a packet network, the excitation signal including a preamble portion and a test portion, where the test portion is encoded with a digital representation of a test signal; and

decoding the preamble portion, the preamble portion configuring the echo canceller during testing; and

configuring the echo canceller in a test configuration responsive to the configuration information in the preamble portion.

2. The following is an examiner's statement of reasons for allowance:

3. Claim 1 claims a method for testing an echo canceller. US Patent 6,011,783 to Interrante et al. discloses a method for measuring the performance of (i.e., testing) an echo canceller (Fig. 1, reference 11; column 1, lines 55-58). Claim 1 further claims the method comprises generating an excitation signal including a preamble portion and a test portion. Interrante discloses a microprocessor that generates a control word that corresponds to the preamble portion claimed and test data that correspond to the test portion claimed (column 3, lines 9-19). Claim 1 further claims the method comprises encoding the preamble portion with configuration information relating to the echo canceller. Interrante discloses the control word that corresponds to the preamble portion claimed containing (i.e., being encoded with) a timeslot during which the echo canceller will be placed in the performance measurement mode (i.e., configuration) (column 3, lines 16-19, 48-52, 63-66). Claim 1 further claims the method comprises transmitting the excitation signal to the echo canceller. Interrante discloses the control word and test data being

Art Unit: 2644

received from (i.e., transmitted by) a microprocessor (column 3, lines 9-11, 13-15). US Patent 6,487,200 to Fraser discloses use of packets sent through a network to control diagnostic testing of network devices (column 16, lines 7-23). US Patent 6,751,761 to Tendo discloses testing over a packet network using a test packet that includes a control unit (i.e., control portion) and a data unit (i.e., test portion) (Fig. 11, reference D1, D2; column 9, lines 7-12). However, the prior art does not disclose encoding the test portion with a digital representation of a test signal as claimed and configuration of an echo canceller in a test configuration in response to preamble information as claimed. As such, the prior art fails to anticipate or fairly suggest all elements of the claimed invention and the claim is allowable.

4. Independent claims 9, 20, 23, 29, 35, 38 and 45 recite similar limitations to those indicated above and are allowable for the same reasons.

5. The remaining pending claims 2, 4 through 8, 10 through 16, 18, 19, 21 through 25, 27, 28, 30, 31, 33, 34, 36, 39 through 42, 44 and 46 through 81 are allowable due to dependence from their respective independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 703-305-4088. The examiner can normally be reached on Monday through Friday between 8:00 AM and 4:30 PM.


Art Unit: 2644

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ds
17 February 2005



SINH TRAN
SUPERVISORY PATENT EXAMINER